

standard lug box or a No. 32 standard box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(8)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 84 nectarines.

(9) During the period July 1 through October 31 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) of this section unless:

(i) Such nectarines, when packed in molded forms (tray packs) in a No. 22D standard lug box or a No. 32 standard box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 80 nectarines in the box or, if the nectarines are “well matured,” not more than 84 nectarines in the box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(9)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 72 nectarines or if the nectarines are “well matured” not more than 76 nectarines.

(b) The following procedure shall be used in determining whether nectarines meet the minimum size requirements specified for each size category in this section applying a 16-pound sample. A sample consisting of one-half of the number of fruit specified for a 16-pound sample for a particular size category shall be used, provided such sample weighs at least eight pounds. When one-half the specified number of fruit in a sample results in a number ending with one-half a fruit, the smaller full number of fruit shall be used to determine the sample weight. If a sample fails with respect to minimum size requirements on the basis of an 8-pound sample, a 16-pound sample shall be used to determine if the fruit meets the minimum size requirements.

(c) *Container tolerances.* The contents of individual packages in the lot are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified in this part:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages shall have not more than double the tolerance specified.

(2) For packages which contain 10 pounds or less, individual packages are not restricted as to the percentages of defects.

(d) As used herein, *U.S. No. 1, mature*, and *standard pack*, mean the same as defined in the United States Standards for Grades of Nectarines [7 CFR 51.3145 through 51.3160]; and *No. 22D standard lug box* means the same as defined in section 1380.19 (17) of the “Regulations of the California Department of Food and Agriculture”. *Well matured* means a condition distinctly more advanced than *mature*.

[59 FR 15838, Apr. 5, 1994, as amended at 60 FR 30997, June 12, 1995; 61 FR 13391, Mar. 27, 1996; 61 FR 19164, May 1, 1996; 61 FR 26073, May 24, 1996; 61 FR 31006, June 19, 1996; 61 FR 31391, June 20, 1996; 62 FR 15360, Apr. 1, 1997; 62 FR 50859, Sept. 29, 1997; 63 FR 16039, Apr. 1, 1998; 65 FR 39513, June 27, 2000; 66 FR 17484, Apr. 2, 2001; 66 FR 39620, Aug. 1, 2001; 67 FR 16295, Apr. 5, 2002; 68 FR 17264, Apr. 9, 2003; 69 FR 15649, Mar. 25, 2004; 69 FR 41128, July 7, 2004; 69 FR 44460, Aug. 26, 2004; 70 FR 16389, Mar. 31, 2005; 70 FR 44249, Aug. 2, 2005]

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

Subpart—Order Regulating Handling

DEFINITIONS

Sec.	
917.1	Secretary.
917.2	Act.
917.3	Person.
917.4	Fruit.
917.5	Grower.
917.6	Handle.
917.7	Handler.
917.9	Fiscal period.
917.11	Production area.
917.12	Container.

Agricultural Marketing Service, USDA

Pt. 917

- 917.13 Pack.
- 917.14 District.
- 917.15 Representation area.

ADMINISTRATIVE BODIES

- 917.16 Designation of Control Committee.
- 917.17 Nomination of shipper members of the Control Committee.
- 917.18 Nomination of commodity committee members of the Control Committee.
- 917.19 Selection of members of the Control Committee.
- 917.20 Designation of members of commodity committees.
- 917.21 Nomination of Pear Commodity Committee members.
- 917.22 Nomination of Peach Commodity Committee members.
- 917.24 Procedure for nominating members of various commodity committees.
- 917.25 Selection of members of various commodity committees.
- 917.26 Failure to nominate.
- 917.27 Alternates.
- 917.28 Procedure for filling vacancies on committees.
- 917.29 Organization of committees.
- 917.30 Removal and disapproval.
- 917.31 Compensation and expenses.
- 917.32 Funds and other property.
- 917.33 Powers of Control Committee.
- 917.34 Duties of Control Committee.
- 917.35 Powers and duties of each commodity committee.

EXPENSES AND ASSESSMENTS

- 917.36 Expenses.
- 917.37 Assessments.
- 917.38 Accounting.

RESEARCH

- 917.39 Production research, market research and development.

REGULATIONS

- 917.40 Recommendations for regulations.
- 917.41 Issuance of regulations.
- 917.42 Modification, suspension, or termination of regulations.
- 917.43 Special purpose shipments.
- 917.45 Inspection and certification.

REPORTS

- 917.50 Reports.

MISCELLANEOUS PROVISIONS

- 917.60 Effective time.
- 917.61 Termination.
- 917.62 Proceedings after termination.
- 917.63 Effect of termination or amendment.
- 917.64 Compliance.
- 917.65 Duration of immunities.
- 917.66 Agents.
- 917.67 Derogation.
- 917.68 Liability of committee members.

- 917.69 Separability.

Subpart—Rules and Regulations

DEFINITIONS

- 917.100 Order.
- 917.101 Marketing agreement.
- 917.103 Terms.

GENERAL

- 917.110 Communications.

ADMINISTRATIVE BODIES

- 917.115 Nomination of shipper members for the Control Committee.
- 917.119 Procedure for nominating members for various Commodity Committees; meetings.
- 917.120 Changes in nomination of Peach Commodity Committee members.
- 917.121 Changes in nomination of Pear Commodity Committee members.
- 917.122 Qualification requirements and nomination procedure for public members of Commodity Committees.

REGULATION BY GRADES, SIZES, AND MINIMUM STANDARDS OF QUALITY AND MATURITY

- 917.143 Exemptions.
- 917.149 Special purpose shipments.

REGULATION OF DAILY SHIPMENTS

- 917.150 Lot stamping.

REPORTS

- 917.176 Pears.
- 917.178 Peaches.
- 917.179 Assessment reports.

Subpart—Assessment Rates

- 917.258 Assessment rate.

Subpart—Container and Pack Regulation

- 917.442 California Peach Container and Pack Regulation.

Subpart—Grade and Size Regulation

- 917.459 California Peach Grade and Size Regulation.
- 917.461 Pear Regulation 12.

AUTHORITY: 7 U.S.C. 601-674.

Subpart—Order Regulating Handling

SOURCE: 41 FR 17528, Apr. 27, 1976, unless otherwise noted.

§917.1

7 CFR Ch. IX (1–1–06 Edition)

DEFINITIONS

§917.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§917.2 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§917.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§917.4 Fruit.

Fruit means the edible product of the following two kinds of trees (a) all varieties of peaches, and (b) all varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

[56 FR 46369, Sept. 12, 1991]

EFFECTIVE DATE NOTE: At 59 FR 10055, Mar. 3, 1994, in §917.4, the words “, and (b) all varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau” were suspended, effective April 4, 1994.

§917.5 Grower.

Grower is synonymous with producer and means any person who produces fruit for market in fresh form, and who has a proprietary interest therein.

§917.6 Handle.

Handle and *ship* are synonymous and mean to sell, consign, deliver or transport fruit or to cause fruit to be sold, consigned, delivered or transported between the production area and any point outside thereof, or within the production area: *Provided*, That the term *handle* shall not include the sale of fruit on the tree, the transportation within the production area of fruit

from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such fruit to such packing facility for such preparation.

§917.7 Handler.

Handler is synonymous with shipper and means any person (except a common or contract carrier transporting fruit owned by another person) who handles fruit.

§917.9 Fiscal period.

Fiscal period is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§917.11 Production area.

Production area means the State of California.

§917.12 Container.

Container means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of fruit.

§917.13 Pack.

Pack means the specific arrangement, size, weight, count, or grade of a quantity of fruit in a particular type and size of container or any combination thereof.

§917.14 District.

District means any of the following subdivisions of the State of California:

(a) *North Sacramento Valley District* includes and consists of Glenn County, Shasta County, Tehama County, Modoc County, Siskiyou County, Lassen County, Plumas County, and Colusa County.

(b) *Central Sacramento Valley District* includes and consists of Sutter County, Butte County, Yuba County, and Sierra County.

(c) *Sacramento River District* includes and consists of Sacramento County, that portion of Yolo County east of a straight line from the northwest corner of Sacramento County to the Northeast corner of Solano County, and that portion of Solano County east of a